

2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,486	08/07/2001	Garrick T. Wager	42365-00320	2298

46670 7590 02/23/2005

TOWNSEND AND TOWNSEND AND CREW/22395
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,486

Applicant(s)

WAGER ET AL.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. N. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-14 and 16-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang (US Pat# 6,836,653) in view of Vendetti et al. (US Pat# 5,295,180) or Tell et al. (US Pat# 6,205,326).

Regarding claim 1, Kang teaches a method for applying different charge rates and for indicating location of mobile stations in cellular mobile telecommunication system in (see fig. 4 and disclosure) wherein a plurality of zones including a first zone can be defined to be associated with a user service (rate service) and displaying the first zone on a map associated with a geographical area (see fig. 4) but fails to teach having a plurality of zones to be associated with different rates in detail.

Vendetti teaches a cellular telephone zone system in (see figs. 2-4) that a plurality of zones can be defined and then charging users based on different rates for making calls in these zones in (see cols. 4-5).

Tell et al. teaches a method for determining when a communications unit is located within a preferred zone in (see fig. 4 and cols. 2-6) wherein zones can be selected to be associated with a certain rate by a user and then billing subsequent calls with such rates.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary reference into that of Kang thus making it possible to track and determine location of user's and billing them accordingly as an incentive to attract users and possible, for assistance, a well known fact.

Regarding claim 2, The combination including Tell teaches being able to input in a street address which would be translated into zone information for billing purposes including billing the user at a low rate when calls are made from this zone in (see col. 2 line 59-66 of Tell).

Regarding claims 7-14 and 16-34, The combination renders obvious billing calls made at a defined zone with a special zone.

Regarding claim 35, Kang teaches a method for applying different charge rates and for indicating location of mobile stations in cellular mobile telecommunication system in (see fig. 4 and disclosure) wherein a plurality of zones including a first zone can be defined to be associated with a user service (rate service) and displaying the first zone on a map associated with a geographical area (see fig. 4) but fails to teach having a plurality of zones to be associated with different rates in detail.

Vendetti teaches a cellular telephone zone system in (see figs. 2-4) that a plurality of zones can be defined and then charging users based on different rates for making calls in these zones in (see cols. 4-5).

Tell et al. teaches a method for determining when a communications unit is located within a preferred zone in (see fig. 4 and cols. 2-6) wherein zones can be

Art Unit: 2643

selected to be associated with a certain rate by a user and then billing subsequent calls with such rates.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary reference into that of Kang thus making it possible to track and determine location of user's and billing them accordingly as an incentive to attract users and possible, for assistance, a well known fact.

Regarding claim 36, The combination teaches the claimed limitation.

Claims 3-6, 15, 33 and 37-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang (US Pat# 6,836,653) in view of Vendetti et al. (US Pat# 5,295,180) or Tell et al. (US Pat# 6,205,326) and Myers et al. (US Pat# 6,618,594).

Regarding claim 3-6, The combination fails to teach being able to select desired zone information from a map, selection by touching or input means is well known.

Myers teaches a zone assignment for wireless telephone systems wherein a user can select desired zone identifier to be associated with a rate by selecting the zone through a graphical interface in (see fig. 4, cols. 2-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Myers into that of the combination thus making it possible to select desired zone information using any interface means for convenience purposes.

Regarding claims 15 and 37, The combination renders obvious the ability to display a map and location of a user on the phone device of a user

Regarding claim 33, The combination including Myers teaches in (see fig. 5 and col. 4) being able to request location and zone definition data.

Regarding claims 38-57, The combination teaches the claimed subject matter (see Myers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
02/18/05


REXFORD BARNIE
PRIMARY EXAMINER